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EDMUND G. BROWN JR., Attorney General **Board of Vocational Nursing** of the State of California and Psychiatric Technicians JAMES M. LEDAKIS Supervising Deputy Attorney General G. MICHAEL GERMAN, SBN 103312 Deputy Attorney General California Department of Justice 110 West "A" Street, Suite 1100 San Diego, CA 92101 P.O. Box 85266 San Diego, CA 92186-5266 Telephone: (619) 645-2617 Facsimile: (619) 645-2061 Attorneys for Complainant 9 10 BEFORE THE BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS 11 DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA 12 13 In the Matter of the Accusation Against: Case No. VN-2004-983 14 SHEENA BEAVIS, a.k.a. SHEENA MARIE BEAVIS, ACCUSATION 15 a.k.a. SHEENA M. BEAVIS-VALDEZ P.O. Box 2631 Anaheim, CA 92814 16 Vocational Nurse License No. VN 152681 18 Respondent. 19 20 Complainant alleges: 21 **PARTIES** 22 Teresa Bello-Jones, J.D., M.S.N., R.N. ("Complainant") brings this 1. Accusation solely in her official capacity as the Executive Officer of the Board of Vocational 23 24 Nursing and Psychiatric Technicians ("Board"), Department of Consumer Affairs. 25 On or about July 12, 1991, the Board issued Vocational Nurse License 2. 26 Number VN 152681 to Sheena Beavis, also known as Sheena Marie Beavis and Sheena M. Beavis-Valdez ("Respondent"). Respondent's license will expire on February 28, 2009, unless 27 28 renewed.

STATUTORY PROVISIONS		
3	<b>3.</b>	Business and Professions Code ("Code") section 2875 provides, in
pertinent part, th	nat the	Board may discipline the holder of a vocational nurse license for any
reason provided in Article 3 (commencing with section 2875) of the Vocational Nursing Practice		
Act.		
4	1.	Code section 118, subdivision (b), provides, in pertinent part, that the
expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary		
action during the period within which the license may be renewed, restored, reissued or		

5. Code section 2878 states, in pertinent part:

within four years after the expiration.

The Board may suspend or revoke a license issued under this chapter [the Vocational Nursing Practice Act (Bus. & Prof. Code § 2840, et seq.)] for any of the following:

reinstated. Under Code section 2892.1, the Board may renew an expired license at any time

- (a) Unprofessional conduct, which includes, but is not limited to, the following:
  - (1) Incompetence, or gross negligence in carrying out usual nursing functions.

Code section 2878.5 states, in pertinent part: 6.

In addition to other acts constituting unprofessional conduct within the meaning of this chapter, it is unprofessional conduct for a person licensed under this chapter to do any of the following:

(b) Use any controlled substance as defined in Division 10 of the Health and Safety Code, or any dangerous drug as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public, or to the extent that such impairs his or her ability to conduct with safety to the public the practice authorized by his or her license. . .

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#### COST RECOVERY

7. Code section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

#### CONTROLLED SUBSTANCES AT ISSUE

8. "**Hydrocodone**" is a Schedule II controlled substance as designated by Health and Safety Code section 11055, subdivision (b)(1)(J).

#### FIRST CAUSE FOR DISCIPLINE

(Use of a Controlled Substance and Alcoholic Beverages to an Extent or in a Manner Dangerous or Injurious to Oneself and Others)

- 9. Respondent is subject to disciplinary action pursuant to Code 2878.5, subdivision (b), on the grounds of unprofessional conduct, in that on or about November 30, 2004, while on assignment through Elite Registry as a licensed vocational nurse in the emergency department at Mission Hospital ("M.H.") in Mission Viejo, California, Respondent used a controlled substance and alcoholic beverages to an extent or in a manner dangerous or injurious to herself and others and to the extent that her ability to conduct with safety the practice authorized by her license was impaired, as follows:
- 10. Respondent reported for duty at approximately 5:00 p.m. (Respondent was not assigned to work until 7:00 p.m.) and was observed by charge nurse S.G. to have slurred speech and a disheveled appearance. Respondent later disappeared and could not be found until approximately 8:00 p.m., when charge nurse M.S. observed her to be confused and unsteady on her feet, have vomit on her face and hair, and have slurred speech. After Respondent leaned up against a wall and slid down onto the floor, she was escorted by M.S. to administrative supervisor K.K.'s office to discuss her ability to work. K.K. contacted Elite Registry and it was determined that Respondent should be evaluated in the emergency room of M.H. and submit to a blood/urine screen. Respondent's urine screen tested positive for opiates (Respondent had a valid prescription for hydrocodone). Respondent was treated in the emergency room and

subsequently released from the hospital. At that time, Elite Registry was asked not to allow Respondent to return to her assignment at M.H..

- 11. On October 26, 2005, Larry Moore ("Moore"), a Senior Investigator with the Division of Investigation, Department of Consumer Affairs, interviewed Dr. R.J., the treating physician in the emergency room for Respondent at the time of the incident of November 30, 2004. Dr. R.J. told Moore that Respondent was clearly impaired while on duty that day and he was struck profoundly by the fact that she was in a deep sleep while sitting on a gurney with her head slumped forward to where her chin was touching her chest. Dr. R.J. also told Moore that he had worked with Respondent on many occasions, but he had never seen her in that condition before.
- 12. On November 15, 2005, Respondent was interviewed by Moore about the incident of November 30, 2004. Respondent admitted to Moore that she had no recollection of the incident because she was "wasted", as she had been taking about three of her hydrocodone pills every 5 to 6 hours and drinking Coors Light beer.

### SECOND CAUSE FOR DISCIPLINE (Unprofessional Conduct)

13. Respondent is subject to disciplinary action pursuant to Code section 2878, subdivision (a), in that she showed up for work under the influence of opiates and alcohol, as set forth in paragraphs 8 through 12 above.

#### PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Vocational Nursing and Psychiatric Technicians issue a decision:

- Revoking or suspending Vocational Nurse License Number VN 152681,
   issued to Sheena Beavis, also known as Sheena Marie Beavis and Sheena M. Beavis-Valdez;
- Ordering Sheena Beavis, also known as Sheena Marie Beavis and Sheena
   M. Beavis-Valdez, to pay the Board of Vocational Nursing and Psychiatric Technicians the

reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and Taking such other and further action as deemed necessary and proper. DATED: February 1, 2008 Executive Officer
Board of Vocational Nursing and Psychiatric Technicians
Department of Consumer Affairs State of California Complainant BEAVIS - Acc.wpd